IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5689 of 2007()

CRMP.4319/2007 of J.M.F.C.,THIRUVALLA

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CRIME NO.36/2007 OF MALLAPPALLY POLICE STATION

PETITIONER/1ST ACCUSED

GOPALAKRISHNAN K., S/O. KUNJUCHERUKKAN,
CHERUPULATHU HOUSE, OTHARA EAST,
IRAVIPERUR VILLAGE, THIRUVALLA TALUK.

BY ADV. SRI.P.V.LONACHAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, MALLAPPALLY THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5689 of 2007

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Dated this the 19th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. He faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 76 litres of spirit, 10 litres of arrack, a sealing machine and polythene packet on 24.08.2007. The petitioner was arrested and he continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The application is opposed by the learned Public Prosecutor.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 3.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE